

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

*Plaintiffs,*

v.

GREGORY W. ABBOTT, *et al.*,

*Defendants.*

HARRIS COUNTY REPUBLICAN PARTY, *et al.*,

*Intervenor-Defendants.*

Lead Case No: 5:21-cv-844-XR  
[Lead Case]

**[PROPOSED] ORDER ADOPTING LULAC PLAINTIFFS' PARTIALLY OPPOSED REQUEST FOR JUDICIAL NOTICE**

LULAC Plaintiffs have requested that the Court take judicial notice of certain facts based on (1) population data produced by the U.S. Census Bureau; and (2) election data produced by the U.S. Election Assistance Commission (EAC). Having considered LULAC Plaintiffs' partially opposed request for judicial notice and all accompanying exhibits, the Court **GRANTS** the request, and takes **JUDICIAL NOTICE** of the following facts pursuant to Rule 201 (b)(2) of the Federal Rules of Evidence:

**U.S. Census Data**

1. According to the 2010 Census, Texas had a total population of 25,145,561, with a Hispanic population of 9,460,921 (37.6%), a non-Hispanic Black population of 2,886,825.(11.4%), a mixed-race non-Hispanic Black population of 3,019,318 (12%), a non-Hispanic Asian population of 948,426 (3.8%), and a non-Hispanic White population of 11,397,345

(45.3%). U.S. Census Bureau, 2010 Decennial Redistricting Data Table P2 (2011) (Ex. 2), <https://data.census.gov/table?q=P2&g=040XX00US48&tid=DECENNIALPL2010.P2>.

2. According to the 2020 Census, Texas has a total population of 29,145,505, with a Hispanic population of 11,441,717 (39.3%), a non-Hispanic Black population of 3,444,712 (11.8%), a mixed-race non-Hispanic Black population of 3,727,721 (12.8%), a non-Hispanic Asian population of 1,561,518 (5.4%), and a non-Hispanic White population of 11,584,597 (39.7%). U.S. Census Bureau, 2020 Decennial Redistricting Data: Table P2 (2021) (Ex. 3), <https://data.census.gov/table?q=P2:+HISPANIC+OR+LATINO,+AND+NOT+HISPANIC+OR+LATINO+BY+RACE&g=040XX00US48&tid=DECENNIALPL2020.P2>

3. According to the 2010 Census, Texas had a voting-age population (VAP) of 18,279,737, with a Hispanic VAP of 6,143,144 (33.6%), a non-Hispanic Black VAP of 2,076,282 (11.3%), a mixed-race non-Hispanic Black population of 2,128,048 (11.6%), a non-Hispanic Asian VAP of 716,968 (3.9%), and a non-Hispanic White VAP of 9,074,684 (49.6%). U.S. Census Bureau, 2010 Decennial Redistricting Data: Table P4 (2011) (Ex. 4), <https://data.census.gov/table?q=P4&g=040XX00US48&tid=DECENNIALPL2010.P4>.

4. According to the 2020 Census, Texas has a VAP of 21,866,700, with a Hispanic VAP of 7,907,319 (36.2%), a non-Hispanic Black VAP of 2,575,257 (11.8%), a mixed-race non-Hispanic Black population of 2,724,690 (12.5%), a non-Hispanic Asian VAP of 1,205,578 (5.51%), and a non-Hispanic White VAP of 9,437,933 (43.2%). U.S. Census Bureau, 2020 Decennial Redistricting Data: Table P4 (2021) (Ex. 5), <https://data.census.gov/table?q=P4&g=040XX00US48&tid=DECENNIALPL2020-P4>.

5. The 2007-2011 American Community Survey (ACS) estimated that the citizen voting age population (CVAP) of Texas was 15,583,702, with a Hispanic CVAP of 4,048,208

(26%), a Black CVAP of 1,988,805 (12.8%), a mixed-race Black CVAP of 2,008,551 (12.9%), an Asian CVAP of 447,505 (2.9%), and a White CVAP of 11,925,497 (76.5%). U.S. Census Bureau, American Community Survey 2007-2011: Tables B05003, B05003B, B05003I (Ex. 6), available at <https://data.census.gov>.

6. The 2017-2021 ACS estimated that the CVAP of Texas is 18,729,813, with a Hispanic CVAP of 5,823,485 (31.1%), a Black CVAP of 2,443,870 (13%), a mixed-race Black CVAP of 2,475,017 (13.2%), an Asian CVAP of 731,264 (3.9%), and a White CVAP of 12,803,761 (68.4%). U.S. Census Bureau, American Community Survey 2017-2021: Tables B05003, B05003B, B05003I (2022) (Ex. 7), available at <https://data.census.gov>.

7. Between 2010 and 2020, the total population of Texas increased by 3,999,944 according to U.S. Census data. The non-Hispanic White population increased by 187,252, accounting for 4.7% of overall growth. The Hispanic population increased by 1,980,796, accounting for 49.5% of overall growth; and the non-Hispanic Black/African American population increased by 557,887, accounting for 13.9% of overall growth, and the mixed-race non-Hispanic Black population increased by 654,133, accounting for 16.4% of overall growth. 2020 Decennial Redistricting Data Table P2; 2010 Decennial Redistricting Data: Table P2.

8. From 2007-2011 to 2017-2021, the CVAP of Texas grew by 3,146,111, according to ACS data. The non-Hispanic White CVAP increased by 415,932, accounting for 13.2% of overall growth. The Hispanic CVAP increased by 1,775,277, accounting for 56.4% of overall growth; and the Black/African-American population increased by 466,466, accounting for 14.8% of overall growth. *American Community Survey 2017-2021: Tables B05003, B05003B, B05003I; American Community Survey 2007-2011: Tables B05003, B05003B, B05003I*.

9. According to the 2020 Census, Bexar County has a total population of 2,009,324, with a Hispanic population of 1,190,958 (59.3%), a non-Hispanic Black population of 147,875 (7.4%), a mixed-race non-Hispanic Black population of 167,807 (8.4%), a non-Hispanic Asian population of 65,217 (3.2%), and a non-Hispanic White population 519,123 (25.8%). U.S. Census Bureau, 2020 Decennial Redistricting Data: Table P2, Bexar County (2021) (Ex. 8), <https://data.census.gov/table?q=P2&g=040XX00US48>.

10. According to the 2020 Census, Dallas County has a total population of 2,613,539, with a Hispanic population of 1,057,835 (40.5%), a non-Hispanic Black population of 564,741 (21.6%), a mixed-race non-Hispanic Black population of 591,854 (22.6%), a non-Hispanic Asian population of 181,314 (6.9%), and a non-Hispanic White population of 724,987 (27.7%). U.S. Census Bureau, 2020 Decennial Redistricting Data: Table P2, Dallas County (2021) (Ex. 9), <https://data.census.gov/table?q=P2&g=040XX00US48>.

11. According to the 2020 Census, El Paso County has a total population of 865,657, with a Hispanic population of 715,351 (82.6%), a non-Hispanic Black population of 24,415 (2.8%), a mixed-race non-Hispanic Black population of 28,534 (3.3%), a non-Hispanic Asian population of 10,692 (1.2%), and a non-Hispanic White population of 98,219 (11.3%). U.S. Census Bureau, 2020 Decennial Redistricting Data: Table P2, El Paso County (2021) (Ex. 10), <https://data.census.gov/table?q=P2&g=040XX00US48>.

12. According to the 2020 Census, Harris County has a total population of 4,731,145, with a Hispanic population of 2,034,709 (43%), a non-Hispanic Black population of 885,517 (18.7%), a mixed-race non-Hispanic Black population of 912,559 (19.3%), a non-Hispanic Asian of 344,762 (7.2%), and a non-Hispanic White Population of 1,309,593 (27.7%). U.S. Census

Bureau, 2020 Decennial Redistricting Data: Table P2, Harris County (2021) (Ex. 11), <https://data.census.gov/table?q=P2&g=040XX00US48>.

13. According to the U.S. Census, Quick Check, Harris County had in July 1, 2021 an estimated total population of 4,728,030, with a Hispanic population of 44.4%, a non-Hispanic Black population of 20.3%, a non-Hispanic Asian population of 7.4%, and a non-Hispanic White population of 27.7%. QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

14. According to the 2020 Census, Hidalgo County has a total population of 870,781, with a Hispanic population of 800,001 (91.9%), a non-Hispanic Black population of 3,3,364 (0.4%), a mixed-race non-Hispanic Black population of 3,896 (0.4%), a non-Hispanic Asian population of 8,604 (1.0%), and a non-Hispanic White population of 53,338 (6.1%). U.S. Census Bureau, 2020 Decennial Redistricting Data: Table P2, Hidalgo County (2021) (Ex. 12), <https://data.census.gov/table?q=P2&g=040XX00US48>.

15. According to the 2020 Census, Travis County has a total population of 1,290,188, with a Hispanic population of 421,110 (32.6%), a non-Hispanic Black population of 96,270 (7.54%), a mixed-race non-Hispanic Black population of 109,182 (8.5%), a non-Hispanic Asian population of 99,660 (9.1%), and a Non-Hispanic White population of 612,824 (47.5%). U.S. Census Bureau, 2020 Decennial Redistricting Data: Table P2, Travis County (2021) (Ex. 13), <https://data.census.gov/table?q=P2&g=040XX00US48>.

#### **EAC Data**

16. In 2016, Texas election officials counted 449,258 returned domestic civilian mail ballots and rejected 8,177, according to EAVS data. U.S. Election Assistance Comm'n, Election Administration and Voting Survey 2016 Comprehensive Report 23-26 (2017) (Ex.

14), <https://perma.cc/8PEM-GB5D>. Considering only accepted and rejected ballots, this yields a 2016 domestic civilian rejection rate of 1.8%. *See id.*

17. In 2016, Texas election officials counted 19,364 returned military and overseas mail ballots and rejected 1,136. See Election Administration and Voting 2016 Comprehensive Ballot Report 143-147. Considering only accepted and rejected ballots, this yields a 2016 military and overseas rejection rate of 5.5%. *See id.*

18. In 2018, Texas election officials counted 527,787 returned civilian mail ballots and rejected 9,377, according to EAVS data. U.S. Election Assistance Comm'n, Election Administration and Voting Survey 2018 Comprehensive Report 29-32 (2019) (Ex. 15), <https://perman.cc/D6LF-VGEG>. Considering only accepted and rejected ballots, this yields a 2018 domestic civilian rejection rate of 1.7%. *See id.*

19. In 2018, Texas election officials counted 21,376 returned military and overseas mail ballots and rejected 1,515, according to EAVS data. Election Administration and Voting Survey 2018 Comprehensive Report 110-112. Considering only accepted and rejected ballots, this yields a 2018 military and overseas rejection rate of 6.6%. *See id.*

20. In 2020, Texas election counted 982,362 returned civilian mail ballots and rejected 8,304, according to EAVS data. U.S. *Election Assistance Comm'n, Election Administration and Voting Survey 2020 Comprehensive Report* 33-37 (2021) (Ex. 16), <https://perma.cc/M4WC-K8TA>. Considering only accepted and rejected ballots, this yields a 2020 domestic civilian rejection rate of 0.84%. *See id.*

21. In 2020, Texas election officials counted 59,380 returned military and overseas mail ballots and rejected 1,399, according to EAVS data. Election Administration and Voting

Survey 2020 Comprehensive Report 198-200. Considering only accepted and rejected ballots, this yields a 2020 military and overseas rejection rate of 1.5%. *See id.*

22. In 2022, Texas election officials counted 356,987 returned civilian mail ballots and rejected 12,575, according to EAVS data. U.S. Election Assistance Comm'n, *U.S. Election Assistance Comm'n, Election Administration and Voting Survey 2022 Comprehensive Report* 33-38 (2023) (Ex. 17), <https://perma.cc/C4WD-ESXL>. Considering only accepted and rejected ballots, this yields a 2022 domestic civilian rejection rate of 3.4%. *See id.*

23. In 2022, Texas election officials counted 13,228 returned military and overseas mail ballots and rejected 654, according to EAVS data. Election Administration and Voting Survey 2022 Comprehensive Report 219-221. Considering only accepted and rejected ballots, this yields a 2022 military and overseas rejection rate of 4.7%. *See id.*

SO ORDERED and SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

---

Hon. Xavier Rodriguez  
UNITED STATES DISTRICT JUDGE